



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,003	07/29/2003	Ke-Yi Li	USP1997C/SH11-KYL	8543
30265	7590	10/13/2006		
RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			EXAMINER TRAN LIEN, THUY	
			ART UNIT	PAPER NUMBER

1761

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,003

Applicant(s)

LI, KE-YI

Examiner

Lien T. Tran

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The amendment filed 9/15/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The changing of "refection" to dessert and light meal on page 1 is not supported by the original disclosure. It was never disclose that the refection is a light meal or dessert. The changing of "fermented flour" to "yeasted flour" on page 2 is not supported by the original disclosure. It was not disclosed that fermented flour and yeast flour are the same thing.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claims 7-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant claims a flour product in which flavorings such as vegetable, fruits, sea foods, domestic birds, wild birds, plants, fungus or condiments are added into the flour. A filling is added to the flour. However, applicant does not teach one skilled in the art how to form this product. The specification sets the steps on page 3-4. However, the specification does not disclose any amounts to use. For example, how much flavoring is added to the flour? How the juice, granules and powder are prepared from the flavor materials such as domestic birds, fungus et... There is no disclosure of how much water is added and what steps to take in producing a series of semi-finished product. The specification does not specify the type of vegetables, fruits, plants, fungus, bird, sea foods and condiments that can be

Art Unit: 1761

used. There are many different types of plants, vegetables, fruits, sea foods, condiment, bird and fungus. There is no indication the method disclosed is applicable to all plants, vegetables, fruits and fungus. Since the specification does not have sufficient teaching of how to make the product, the product is not enabling. Reading the specification, one skilled in the art would not know how to make the claimed product.

In the response filed 9/15/06, applicant argues one skilled in the art can readily determine the amount of water and flavoring to use. This argument is not persuasive. Applicant discloses many types of product and different types of flavorings. The amount of water can vary greatly among different products. For example, the making of moon-cake will require different amount of water and flavoring from the making of noodle or instant noodle. The specification does not contain any processing parameters which teach the making of completely different products. Moon cake is completely different from dumpling or steam bun. Also, it is not disclosed in the specification how the flavoring is made. How is the juice or powder flavoring made from birds. What kind of condiments can be used as the flavoring or what kinds of vegetable or fruit or birds or plants or fungus can be used. The 112 issue goes beyond the amount of water and flavoring.

Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, the term "Chinese refection" is still considered indefinite because it is not known what kind of product is encompassed by the term "Chinese refection". Also, what does applicant mean by "multi-flavor, rich nutrition"? Line 2 states that a flavor material is added; thus, how can the product have multi-flavor and what does rich nutrition indicate?

Art Unit: 1761

In claim 8, the rejection of the term “condiments” is maintained because it is not known what flavoring or material is encompassed by such term.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yutaka (Jp2001178386A).

Yutaka discloses a Chinese meat dumpling containing powder of purple taro. The powder of purple taro is formulated with wheat flour to which water is added to make the dough for the dumpling. The dough is formed into fixed shape and the filling is wrapped into the pastry to obtain the dumpling.

The dumpling is a semi-finished flour product because it is inherent the dumpling needs to be cooked to make it fitted for consumption.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yutaka.

Yutaka does not disclose the meat is meat granules.

It would have been obvious to one skilled in the to make the meat in any form depending on the texture and the taste wanted. This would have been an obvious matter of preference.

Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien Tran whose telephone number is 571-271-1408. The examiner can normally be reached on Monday, Wednesday-Thursday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano, can be reached at 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 7, 2006

Lien Tran
LIEN TRAN
PRIMARY EXAMINER
Group 1700